

Page 7 of 11  
Application No. 10/820,832  
Amendment B

### **REMARKS**

Claims 1-5 and 7- 29 are all the claims pending in the application, with claim 6 being cancelled by the present amendment without prejudice or disclaimer. Claims 1, 16, 17, 23, and 29 are the only independent claims. Support for the foregoing amendments may be found in, for example, at least original claim 6 and paras. 0037, 0038, 0063, and 0066 of the patent application publication of the present application. No new matter has been added. Reconsideration of the claims in view of the amendments above and remarks below is respectfully requested.

### **Claim Objections**

Claims 13 and 27 stand objected to based upon the informalities set forth on page 2 of the Office Action. The forgoing amendments to these claims adopt the suggestions of the Examiner. Withdrawal of the objection to these claims is believed proper and is respectfully requested.

### **Claim Rejections - 35 U.S.C. § 112**

Claim 16 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner requested that Applicant identify in the application the corresponding structure, material, or acts that are associated with the function of each of the means plus function elements of claim 16. The foregoing amendment to claim 16 removes the means plus function terminology, rendering moot the stated rejection. Withdraw of the rejection to claim 16 is believed proper and is earnestly requested.

### **Claim Rejections - 35 U.S.C. § 101**

Claims 16 and 23-38 stand rejected under 35 U.S.C. § 101 as being directed toward non-statutory subject matter.

Although Applicant respectfully disagrees with the position of the Office Action with regard to the rejection to these claims, the foregoing amendments to the claims are believed to resolved the points raised in the Office Action. For instance, independent claims 16 and 23 now recite a computer-readable medium having computer executable instructions for performing assorted operations as set forth in the body of the claim. It is believed that these claims are fully

Page 8 of 11  
Application No. 10/820,832  
Amendment B

compliant with the requirements set forth in MPEP § 2106. Withdrawal of the rejection to claims 16 and 23-28 is believed proper and is respectfully requested.

**Claim Rejections - 35 U.S.C. § 102**

Claims 1-20 and 23-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,343,317 to Jokinen.

**Claims 1, 16, and 23**

Claim 1 is directed toward a method that recites “receiving a signal from the detected device and detecting a device profile in the signal corresponding to the device wherein the device profile contains a preference for a product or a service and a geographical boundary.”

To teach the foregoing claim features, the Office Action relies upon the following passages of Jokinen (emphasis added):

A mobile user's location database 35 stores information regarding the location of mobile terminal users and thereby enables the provision of an advertising message (electronic coupon message) only to users at or near a particular location. (Jokinen col. 5, lines 18-22).

Mobile user profiles database 36 may thus contain user-defined information, such as information identifying the mobile terminal users, their demographics, each user's annual income and buying power, preferred types of goods and services and special offers, etc., and may also contain information collected about the users based on previous usage of the inventive system or other means of gathering user profiling information. (Jokinen col. 5, lines 53-61).

Another way of limiting the distribution of electronic coupons by location is to transmit electronic coupons in a limited transmission area such as with a short range communication link like Bluetooth within or near a store so that only people within the range of the communication link receive the offer. (Jokinen col. 5, lines 33-38).

The Office Action appears to suggest that the preferred types of goods and services contained in mobile user profiles database 36 teaches the claimed “preference for a product or service.” Applicant assumes, for the sake of argument, that Jokinen provides such description. However, even if this were correct claim 1 remains distinguishable for at least the following

Page 9 of 11  
Application No. 10/820,832  
Amendment B

reasons.

It is further stated that claim 1 requires (a) receiving a signal from the detected device.

**BEST AVAILABLE COPY**